

JUNE 1984

THE INDIANS OF CONNE RIVER, NEWFOUNDLAND

The Micmacs of Conne River have wanted to be recognized as status Indians since 1976. There are approximately 580 Micmacs living at Conne River, constituting 95% of that community's total population. The native population in the province of Newfoundland is small, representing about one-half of one per cent of the province's total population.

For unique historical reasons, the federal government has assumed special responsibilities for the native people in Newfoundland and has discharged these in a manner which is not matched anywhere else in Canada.

In the pre-Confederation era, no treaties were signed or reserves established for the original inhabitants. When Newfoundland joined Confederation in 1949, there were no specific provisions which recognized the special status of the aboriginal peoples in the new province. It has been the position of successive governments of Newfoundland not to differentiate between native and non-native citizens.

Indians and Inuit are fully entitled to share in all provincial programs and services available to all Newfoundlanders and they have full access to federal benefits available to all Canadians.

During the 1970s people who were of total or partial Indian ancestry in several Newfoundland settlements became more united and more committed to obtaining direct access to federal funding already available to all other status Indians in Canada by virtue of the Constitution Act 1867, section 91(24) and the Indian Act.

By 1973, the Conne River community began receiving assistance through federal-provincial arrangements. Since 1976 the community has received block funding on an annual basis enabling it to be self-governing in its financial affairs. The community is responsible for setting its own priorities, designing, implementing and administering programs and services.

The process to start registration of the community's residents of Indian ancestry began in 1976 and has been supported by four federal Ministers of Indian Affairs over the past seven years.

The Assembly of First Nations, representing Canada's status Indians, endorsed the principle of registering the residents of Micmac Indian ancestry at Conne River in a letter to the Minister of Indian Affairs and Northern Development dated February 21, 1983.

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Background/Documentation

CANADA-NEWFOUNDLAND-NATIVE PEOPLES AGREEMENTS

Since 1951 the federal government has entered into a series of agreements with Newfoundland to supply basic services to native people there. The residents of Conne River have been the recipients of federal funds notwithstanding their technical legal position, up to today, as non-status Indians living off-reserve.

The original informal agreement related to health care and medical services. It evolved gradually into several agreements covering a number of capital projects, and over time for other various programs and services. In 1981, individual formal agreements were negotiated for Newfoundland and Labrador which provided for cost-sharing arrangements for certain programs delivered in most cases by the province. The province is also charged with the administration of the Agreements and the funds thereunder.

These two formal agreements, jointly negotiated by representatives of the federal and provincial governments and native associations and communities were signed July 4, 1981 in Newfoundland by the Minister of Indian Affairs, the Hon. John C. Munro. Totalling \$43.9 million over a five-year period, the two agreements support the province's native peoples in achieving their cultural, social and economic aspirations.

The two agreements are:

- The Canada-Newfoundland-Conne River Agreement which provides for the expenditure of \$5.05 million (federal share \$3.8 million);
- The Canada-Newfoundland-Labrador Agreement providing for \$38.8 million (federal share \$9.1 million).

These funding agreements provide for community services and development, housing and cultural education.

A Coordinating Committee has been established for both Agreements with Federal/Provincial/Native representation. The Committee determines community priorities and budgets for expenditure of funds and for evaluating community benefits.

LITIGATION

The Chief and Councillors of Conne River, Newfoundland filed suit in the federal court on July 13, 1982 claiming that some of the members of the community at Conne River constitute a "band" and that they reside on a "reserve" within the meaning of the Indian Act.

They also claimed to be entitled to services on an equal basis with those enjoyed by other registered Indians in other parts of Canada as a consequence of the special relationship between the Government of Canada and the Indians.

The case that is being made by some members of the Conne River community is that:

- Terms of the Union with Canada in 1949 did not alter the federal responsibility for Indians and lands reserved for Indians under section 91(24) of the Constitution Act 1867 and the Indian Act.
- A traditional reserve of approximately 2.6 km² (one square mile) was set aside by the British colonial government in 1870 for the residents at Conne River, and that it should have fallen under federal jurisdiction when Newfoundland joined Confederation.
- The Government of Canada has for more than 30 years recognized Indians in the province and responsibility for them through numerous agreements with the province.

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The Indians of Conne River,
Newfoundland

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